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THE RIGHTS

—OF—

RAILWAY AND STREET CAR COMPANIES.

BY

MISS LILLIAN A. WHITNEY.

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THE RIGHTS

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RAILWAY AND STREET CAR COMPANIES.

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MISS LILLIAN A. WHITNEY.



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DEDICATION.

TO ONE WHOM SHE HAS NEVER SEEN; WHOSE
PATHWAY IN LIFE, BY THE PROVIDENCE OF GOD, BY
GREAT WEALTH, BY MULTIPLIED DUTIES, IS PLACED
FAR ABOVE HERS; TO CHARLES T. YERKES, PRESI-
DENT OF THE NORTH CHICAGO STREET RAILWAY COM-
PANY, PHILANTHROPIST, PUBLIC BENEFACTOR AND
PROMOTER OF THE BEST INTERESTS OF HIS FELLOW-
CITIZENS, THE WRITER RESPECTFULLY DEDICATES
THIS, HER HUMBLE PAMPHLET. * * *

Miss LILLIAN A. WHITNEY,
512 Otto Street, Chicago.

December 24, 1898.

INTRODUCTORY.

Early in November of this year 1898, my father wrote to me at Urbana, Illinois, asking whether I was reading the attack upon the Chicago Street Railway Companies in the Chicago papers, and for my opinion as to the moral and legal rights in that matter. In the first instance my father, who is a lawyer, in no way suggested to me his opinion, but asked me to read certain law literature as early as possible, and then answer his letter, with my own views on the question. My investigations convinced me that the position which Carter H. Harrison, Mayor of Chicago, is trying to get the people of Chicago to take against the street car companies, was wholly without basis in right or upon law, was against the vital interests of the people, and pernicious in the extreme. I read the one sided discussion in the Chicago papers with avidity, expecting daily to see some advocacy therein of right and law on the subject. After more than a month's watching the discussion, not seeing a single word, to my surprise, as to the rights and law relating thereto, I wrote a lengthy open letter, for publication in the Chicago Tribune, to Hon. Charles T. Yerkes, setting forth my ideas therein, as to the rights and law, and reasons and precedents therefor, upon the subject. The manuscript of my open letter was returned to me by the Tribune people, with the single comment, "not available." I have written the following pamphlet, and offer it to the public, for the purpose of directing the attention of the people of Chicago to fair and lawful discussion

of the questions raised by Mr. Harrison; aiming to point out that the people can only attain to their just rights through just and lawful proceedings and efforts.

If my pamphlet is well received by the public, I am well rewarded for the labor of its creation. Should my pamphlet displease the people, I am in no way blamable. I have simply told the truth and tried to do my duty in its pages.

L. A. W.

CHAPTER I.

Sir William Blackstone, the universally accepted authority on the science of law in this and all civilized countries, has divided and defined law as follows: "Municipal law is a rule of action prescribed by the highest power in the State, commanding what is right, and prohibiting what is wrong." Municipal law, treating solely of two matters, viz.: "*Jura personarum*," that is, the law relating to the rights of persons; and "*Jura rerum*," that is, the law relating to inanimate objects—"common law, a rule of action or custom, so old that the memory of man runneth not to the contrary." We are further taught, by this noted author, that common law also includes the rules, precedents and interpretations of municipal law as laid down by courts of last resort and courts of appellate jurisdiction. Eminent domain properly belongs to the common law, but has been fortified at various times by legislative enactments; that is, by municipal law. For an instance, the act passed by the Illinois Legislature June 9th, in force July 1, 1897, amendatory of Sections 1 and 3 of the "Horse and Dummy" act of 1874, is known by students of law as legislation in relation to eminent domain.

The theory of eminent domain is: An easement in so much of the public domain as may be at any time needed for the good of the public, always remains vested in the sovereign, and may be taken, *pro bono publici*, at any time, by the sovereign. Eminent Domain is also said to be an attribute of authority, or sovereignty inherent in the State.

I have proceeded in my discussion in the following pages, without citation of specific precedent, for the reason the subject under discussion requires reference to elementary and well settled principles simply.

The proposition of Mayor Harrison, that the traction companies of Chicago were about to "grab," or "steal," the streets of the city, and appropriate right of the people without compensation, because an ordinance had been asked for by them from the city council, and other declarations of our mayor, as have been quoted by the public press as his, relating to such request of the traction companies, are worse than puerile; they are error *ab initio*; they are so radically and glaringly wrong they become stunning and striking only by their very lack of any reason, or basis upon any right or law. Under the law—that is, as the laws stand written and in full force in the Federal Constitution, the State Constitution, the statutes, and in the rules and precedents laid down, and well settled by our courts of last resort—the rights of the people as against the rights of the traction companies—both have inalienable rights in the streets (Mr. Harrison does not concede any right in the traction companies) are fully defined and protected; that branch of the law known as Eminent Domain adjusting such rights. The traction companies, as defined in law, are personified and are treated of as citizens, and accorded the same rights, ordinarily, as other citizens. The rights that the people have, as against the traction companies, do not appear to be under discussion at all. Rights growing out of proceedings under Eminent Domain shall not be abused or taken away, either from the traction companies or the people. As a matter of fact and law, the rights of the people will be just as well protected, indeed be exactly the same, should the city legis-

lative give to the traction companies a fifty year franchise or a fifty thousand year franchise. As I have said in the beginning of my pamphlet, I speak of the rights of the people under our present economy of law, and not as law appears to exist in our worthy but mistaken mayor's brain, as drawn from "Looking Backward."

The position Mr. Harrison desires this city to take, and has already led the rabble to take, can only be supported by anarchy and revolution. I make this declaration fully advised in the premises. The fact that the traction companies have been prosperous in the past, and are likely to make large sums of money in the future, has no legal or moral bearing whatever on the question apparently in controversy. The cry of Mr. Harrison, and the rabble, of "steal," "steal," "grab," "grab," "rob," "rob," hurled at the traction companies and at Mr. Yerkes, is on the same line, and just as correct, as the cry of Cain was against his brother Abel in the long ago. Abel had raised great herds of fat cattle; had selected immense ranges of the finest pastures; had produced immense crops of cereals. In short, Abel was an industrious, intelligent, prosperous man, and for that reason Cain said, "Abel, you are a stealer, a robber, a grabber," and then he slew Abel.

Mr. Harrison says: "The Allen law is the greatest crime of the century." The assertion is simply unsupported by the fact. Such a declaration becomes striking and startling only by its utter absurdity. Mr. Harrison bases the declaration, it is assumed, upon his suspicions that a sufficient number of legislators were bought to vote for the act known as the "Allen law," being enacted as a law of this State. Were Mr. Harrison's suspicions well founded, that would not make the Allen law, "The greatest crime of the century," or a crime at all. The Allen law is

a law of the great State of Illinois. The Supreme Court of this State is the only authority, aside from the Legislature, that can properly assail that law.

The Allen law could not deprive the people of a single right, or grant to the traction companies excessive or unusual rights, for the reason, if it did so, the law would be unconstitutional. In case any legislator was bought to vote for the law in question, he clearly did a wrong in accepting a bribe. The sequence or result of such wrong act would not be for that reason a crime.

For the reason, the people have been misled, for so long, to believe that railroad companies have no rights whatever, that everything such companies have they steal or grab, that it is the right and duty of every one to plunder them and spit upon them, it has become impossible for any railroad to get any legislation, however just or necessary it may be, either in Chicago or at Springfield, without—considerable trouble—and expense. If there is any bribery in this country, by railway corporations, those that have mistaught the people, and have been misleading the people, contrary to all law and common justice, against railroad corporations, for so many years, are responsible for such bribery, and not the railway corporation. Railroads are a public blessing, and a public necessity. Railroads are in existence by operation of law; through legitimate movement of immense capital and great ability. It is not a lot of Weary Waggles and Guiteaus that furnish the rapid and comfortable transit to and from business, of the people of this great city. From Evanston on the north, to Pullman on the south, from Maywood on the west, to the Lake front, the people of this city are carried with marvelous speed, comfort and cheapness. Only the very greatest capital and brains could accomplish transportation of such Herculean propo-

tions as is daily accomplished in this city of Chicago. The transit facilities furnished by the traction companies in our city are exceptionally good, and fully up to date in all modern mechanical improvements for comfort and safety. The Harrison crowd declare that the traction companies are furnishing poor and uncomfortable transportation in Chicago. This declaration, like all their declarations in this matter, is wholly without foundation of reason or honesty, and startling and striking only because of its horrid proportions of deformity in error. One of the circuit judges, in 1885, by the just laws of a great commonwealth, hanged five anarchists. In 1898 another one of the circuit judges,* in a public hall in Chicago, to an immense audience, made a speech, the words and sentences of which, in the mouth of an anarchist, would be pronounced incendiary, in support of dogma that can only be maintained by anarchy and revolution.

Again, in 1903, Mr. Harrison proposes that the city shall buy all the street car lines in Chicago, whether the several traction companies are willing to sell out or not. Furthermore, according to the doctrine advocated by Mr. Harrison and his following, the municipal authorities of Chicago are going to fix the prices to be paid, without consulting the traction companies. The law for this proposition can be found in "Looking Backward," page anywhere, section 1th.

By the same law, our most puissant mayor, in 1904, sug-

* I have been taught to have, and I have, the very greatest respect for all the members of the judiciary of Cook county; especially do I respect the learning and ability of this eminent judge. I aimed solely to combat the unjust and most unadvised agitation against the street car companies, of Mr. Harrison; assuming that countenance had been lent to that agitation by many in Chicago, which, after reflection, would be withdrawn.

gests that the city buy the Boston store, State and Madison, and Jim Grubbs' butcher shop, on west 99th street; it is the earnest opinion of the mayor, that the city, after buying the street car lines, *at its own price*, will have plenty of money left with which to buy the other two places.

According to our prophetic mayor, in Anno Domini 1903, the city of Chicago is going to begin to "go shopping," on entirely new and stunning lines. The city is to be, not only the shopper, but, as well also, the dictator of prices, and the designator of articles to be sold. The bootblack stand, the candy store, the corner saloon, etc., etc., will be invited to turn over their several stocks to the city and *to adjourn sine die*.

Bargain counters, and all tedious details of barter and sale formerly existing, will have been sunk as useless sediment in the current of the passing years. In buying, the city will investigate two phases only, viz.: has the business about to be purchased been prosperous in the past? is the prospective purchase likely to be prosperous in the future? and there you are; the transaction is at an end. For reasons of State, I learn Marshall Field & Co., Siegel, Cooper & Co., and several others of the large department stores, are going to be permitted to run on for some years longer under that silly old law that used to protect every citizen in his property rights. The Harrison doctrine for the future traffic of municipalities is certainly strongly commended by its simplicity. One certainly noticeable feature of weakness in the position taken by the Harrison following, it does not clearly point to any occupation of the people after the absorption of their business by the city. It is impossible to determine whether the doctrine springs from sober analytical thought, or a "pipe-dream."

The advocates of the late doctrines of Mr. Harrison, so far

as anything in that doctrine shows to contrary, may be hypnotized into faith in a myth more ancient than the conception of "Cheops," that the municipality of Chicago, *a la Hercules*, will sustain the great industries of the city, and permit its people, *a la Atlas*, to saunter away in search of the fruits and novelties of a "Hesperides."

Should the management of the enterprizes of the people, suggested to be absorbed by it, be turned over by Chicago to its "water department," the provision *for a few* will be indeed well taken care of.

CHAPTER II.

The declamation that the public has been deluged with lately, by Mr. Harrison and his following, so far as it contains any tangible substance, is merely socialistic. There is no room in this world for socialism; there is no soil that will nurture and maintain it; socialism can have no existence in human society, except in problematical and doubtful theory. As certain chemical substances are abhorred and expelled by certain other chemical substances, so will human society always abhor and expel socialism in whatever shape or form or whenever it may make its appearance. Could the Mississippi river, by some gigantic effort of engineering skill, be made straight and of a uniform depth from the Gulf of Mexico to Lake Leech, it would remain so but a few hours; its waters would very soon readjust themselves to new bends, bayous, deep places, shallow places, sand bars, points and islands. Society can, and I believe will, amend and correct its Weary Waggleses and Guiteaus, but it will never eradicate its Philip D. Armours, its Marshall Fields; or its Lincolns, its Grants; or its Opie Reads, its Charles Dickenses. Is the novelist of the 21st century to tell of neither "Juckling," "Oliver Twist," "Tiny Tim," nor "Len. Gansett"?

Are the political institutions of our country during the coming century going to be deprived of their guides? Shall their be none to control and lead the vast commerce of this nation during the 20th century?

Ever since the days when the Dager Tooth tiger lived, and slew his mammoth prey, wherever there has been society of

mankind, whether spartan or primitive, there have been rulers and leaders of that society; such rulers and leaders existing, not because of themselves, but because of an existing imperative and inexorable necessity for rulers and leaders. There is no necessity for the Binominal Theorem; for Algebra; for conic sections; in short, for no problem of mathematics known to us. But there is an imperative and inexorable necessity for the principles of the science of mathematics; and for the existence of those scholars who can master and demonstrate its intricacies.

The history of our nation had progressed, from the necessity for George Washington and the Revolutionary galaxy of great men and women, to 1861. The years in the world's history from the revolutionary period to 1861 witnessed the creation, in North America, of one of the greatest nations in the family of nations—the United States. The United States gained her supremacy, not from cranks, but through her leaders in commerce, in letters, in the sciences, in oratory and politics. To the supremacy of this country, it must be admitted, its railways have added the lion's share. From the commerce of days of peace, nations draw their sinews of strength for defense in days of war. The brains that stretched the railway tracks from the Atlantic to the Pacific Ocean, throbbed in the heads of men who were as much and as necessitous leaders as the men who planted our victorious banners on San Juan Hill, or sunk the enemy's fleet in the Gulf of Manila.

In 1861 our beloved Lincoln sprang from the people to the leadership of his nation. To its honor, it was in this beautiful city that Lincoln was placed at the head of his party. There existed a necessity for an Abraham Lincoln; behold Abraham Lincoln shaping great events for history. From 1861 to 1865, there sprang from the people, in this

country, a greater number of greater men than were ever produced in any crisis in the world's history. There existed a necessity for such men for the period. Behold the heroes, military geniuses, statesmen, orators, poets, scholars, colossal mercantile enterprises, creating the record for 1861-5 for the emulation of all future.

The commerce of our country requires its great leaders; the necessity is supplied by the production of such leaders; it could be met in no other way. The commerce of the oceans, by the marine corporations of this country, is too wonderful and stupendous for my pen to describe; the fictions of the "Arabian Nights" become tame compared to the daily commerce of this country alone on the Atlantic and Pacific.

Have the oceans been "grabbed" or "stolen?"

It is possible the Harrison crowd have not got around to that yet; we may hear from them as to the "stealing" or "grabbing" of the oceans later. The socialist declares that Nero and Caligula, of ancient dates, were ferocious murderers; that they were leaders of their times; that Confucius, Buddha, Vedas and Mahomet, each dictated for certain periods, doctrines for the people of those periods; that such doctrines are now pronounced absurd; that Lord Timon was an idiotic spendthrift; that Dives went to Hell.

This socialistic arraignment of these last named leaders of politics, commerce and morals, of certain periods of the past, must be admitted without slightest denial. The arraignment, however, after admission of its correctness, simply directs attention to the crimes of one class of leaders, and the weakness of the other two classes of specified dates; it in no way even tends to assail the position taken that a necessity exists, and ever has existed in society, for rulers and leaders.

It is read between the lines, in all history, and declared by all historians, that the people of every age are responsible with their leaders and rulers for the crimes of the one class and the errors of the other. This doctrine of the historian in no way palliates the crimes of Nero, or lessens the enormity of the assassinations of Henry VIII.

The historian correctly records the histories of past ages, and behold, the schedule of the crimes and follies of the peoples, of the ages treated of, are found to be inseparably interwoven with the crimes and errors of the rulers and leaders of those ages.

Socialists created the French revolution of 1774; the French revolution was the most determined and successful in its energy, for the destruction of rulers and leaders, of any revolution in the world's history. The French people not only murdered the leaders and rulers of France, but sought the annihilation of the supremacy of God. After the French revolution and its murders the French people returned to imperialism; to the guidance of rulers and leaders more potent than the set just destroyed. The only good arising from the French revolution, the researches of any historian has been able to disclose, is that the whirlpool of its hate destroyed the ingeneraters of that hate.

The field of argument against socialism is unlimited, but the theme can not be further enlarged upon in these pages.

The unjust, merciless, and pernicious prejudice against all classes of railways that has taken possession of the minds of the people in this country, within the last two decades, is of a socialistic origin.

There must be legislation for the railways as well as for the blacksmith or farmer. The peddler who cries his wares in the alleys, of a frosty morning, follows his business pursuant to laws enacted for his benefit by expensive legislative

bodies, without a single thought or an anxious moment on the part of such peddler.

The prosperity of this nation is so interwoven with, and dependent upon, the prosperity of the railways of this land, that the common vital interests, if common justice has no weight—could such common vital interests be seen by the people without prejudice—would bring about railway legislation, as well adapted for the railways as the laws are suitable for the obscure business of the peddler. The best interests of the city of Chicago and its citizens are so dependent upon the several street car companies, that could the people be permitted to view the street car companies without prejudice, the common interests would bring about legislation in our city hall, without raising suspicion of bribery, fully adapted for the prosperity of the street car companies and as fully satisfactory to the people. There is existing an abundance of talk in favor of municipal ownership of the street car lines of Chicago, and of the railway lines of the country, but there exists no law upon which to predicate such talk or to authorize such an ownership; nor will such law ever have a place among the legislative enactments of the United States.

The merchant and lawyer, who daily use the streets and sidewalks in pursuit of their business, are guilty of the same misappropriation of the streets which the street car companies are guilty of in their use of the streets. Had such lawyer in his employ 150,000 clerks, his business aggregating \$8,000,000, such merchant in his employ 300,000 clerks, his business amounting to \$25,000,000 per annum, their appropriation of the streets would certainly be quite apparent. Would it be, however, any more a "theft" or "grab" than the use of the streets assigned in the former hypothesis?

The time is now with us in which we must be justly and correctly educated, as to the rights of the people, as against or as compared to the rights of the railway and street car corporations. We, as a people, should be no longer taught that the rights of way of such corporations have been unlawfully appropriated; that such companies maintain themselves by corruption; that their profits and prosperity are results of robberies from the people. Such teachings are libelous, and appear to the writer, monstrous; tending to the destruction of the nation itself. I assert with confidence, that there is not a foot of any street, in any city or town of this country, in use by any street car line, that has been either "stolen," or "grabbed." The same may be as confidently declared as to every foot of right of way of each railway line of this country. The railway and street car companies have obtained their several rights of way according to law. It can be further asserted, without fear of successful denial, that all the rights of way of the railway and street car lines have been obtained only after the most *rigid scrutiny of law*. The question of the rights of the people, as against, or as compared to the rights of the street car companies, I declare again, does not appear in the remotest way, in the late howl in Chicago against the street car companies, to have been raised. The people have been Harrisonized into taking an absurd and untenable position against the street car companies, without question as to the legal or moral status of such position.

The demand for a per cent of the earnings of the traction companies, which our mayor is endeavoring to have levied upon them as a consideration for municipal legislation, in Chicago, for the protection of their business, can find no support in law; nor can the offer of a certain per cent of earn-

ings, said to have been offered to the city by the traction companies for such legislation, find legal support. The transaction, on both sides, under the scrutiny of law, is reduced to the level of the commercial relations existing between the highwayman and the well-dressed, prosperous citizen. The "hold-up man" depends solely upon his supposed mastery of the situation, for the success of his levies; the well-dressed prosperous citizen yields only to the potency of the "hold-up man."

If there is a moral or legal difference in favor of the city in the demand it is urged to make, and the demand certain aldermen are supposed to make upon the treasury of the traction companies, for the legislation of the city, the author of these pages is unable to comprehend it. Little "Oliver Twist" ran away, his soul shrinking with horror from his first sight of theft. The "Artful Dodger" and "Master Charley Bates," first in the front rank of his pursuers, shouted loudest, "stop thief."

MISS LILLIAN A. WHITNEY,
512 Otto street,
Chicago, Illinois.

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DEDICATION.

TO MY FATHER'S FRIEND, HONORABLE LEWIS WALLACE,
PATRIOT, LAWYER, STATESMAN, SOLDIER, HERO AND AUTHOR, DO
I, WITH THE DEEPEST ADMIRATION AND LOVE, DEDICATE THIS
PAMPHLET.

January 26th, 1899.

MISS LILLIAN A. WHITNEY,

512 Otto Street, Chicago, Ills.

PREFACE.

I can not prevent newspapers from bringing about a war, stigmatizing the fair character of an innocent person, or inciting a mistaught and maddened mob to burn a city. I can, however, prevent a Chicago editor from consigning any manuscript of mine to the companionship of the miscellany of his waste paper basket.

I had, with patient labor, prepared an article for publication for Sunday, January 8, 1899, incorporated *verbatim* in this pamphlet, in a Chicago morning paper; the production fell beneath the stern, awful literary ability of the paper's editor. The newspaper, the columns of which I had tried to invade, on the 8th of January, 1899, conveyed to its readers exactly three readable contributions, the editorials not counted; they are never read through by any person. One reads two or three lines of an editorial—to read more at one time would bring on an acute attack of either lock jaw, poverty or paresis—the topic being a current one—the rest of the ghastly procession of double-leaded rows is hastily passed; like one, rambling in a grocery store, hurries by the limburger cheese department, for something to take the taste out of one's mind, as it were. Whatever the ponderosity, on page 4 or 6, called editorial department—by some fiction, similarly to the fiction of John Doe and Richard Roe in law, that even lawyers are unable to understand or see the use of—in newspapers, is put there for, or where it comes from, I have never heard explained. The double-leaded rows of gloom are even enough to be the product of a turning lathe; solemn enough to have been manufactured in a coffin nail factory; heavy enough—the two-leaded lines, one very wide, one not so wide, upon which each editorial rests, clearly say, "See how heavy the above rows are"—to have been made out of the slag of smelters of iron ore.

According to the definition of the word "Editor" given in the English lexicons, a reader is not fully warranted in assuming that the stuff is created by such a being; the assumption that the editor's responsibility began at and ended with the location and arrangement only of the nightmare, would have the greater support in such definition.

The limits of this preface forbid further discussion of the singular subject here.

I have taken the very greatest pains, in the preparation of this second volume of the "Rights of Railway and Street Car Companies," so that the composition should be attractive to its readers.

In the arrangement of my researches, arguments and conclusions, I have, with all the skill and labor I am capable of, held to one purpose; that my readers should unmistakably see and understand my position; so that there should be nothing obscure to them; no middle course left open for them; my position is either right or wrong; it is stated in terms that carry the plain no or yes.

It is with pride and delight that I learned my first work was favorably received by the public; this second volume has been made a necessary labor, because I am refused the use of the columns of the Chicago papers.

The agitation against the street car companies, railway companies and all capital of our city, is still continued by the same old agitators—political charlatans—through the columns of nearly all the morning and evening papers, and in meetings called for the purpose, in a more dangerous form than ever: advocacy of "*Municipal Ownership*."

The newspapers of Chicago unquestionably have editors. I have the required sum of money; behold, from such apparently antipodal conditions springs a pamphleteer.

[L. A. W.]

CHAPTER I.

The agitations of the past have been, with perfect clearness, traced by history to the causes and sources of each; the individual actors, and their eventful conduct in those agitations, have passed under the pen, and the cool, determined, learned scrutiny of an accumulated experience that has pointed out, for the admiration and emulation of the present, the unyielding heroism, unselfish, unswerving principles, and imperishable works—of good for their day and posterity—happily of many on the one hand, and the follies, sophistries and crimes of the few, comparatively, on the other hand. It was Judas Iscariot that betrayed Jesus Christ to his enemies; the learned, political intriguing High Priest of the Temple of Jehovah that instructed and led the mob to demand the murder of Christ, and the release of Barabbas—a robber. The present, with its God-like knowledge of the past, not only measures the blackness and depth of wickedness of the awful crime of the crucifixion, but, with still greater emphasis of condemnation, contempt and loathing, directs attention to the fallacious arguments urged to the populace of their day by both High Priest and Judas.

Isnard, Robespierre, Danton, Camille Desmoulins, Marat, all well educated, brilliant, noisy speakers, for a period of about twelve years—1782-94, culmination of the crime called “French Revolution”—harangued the populace of France. Isnard, with great vehemence of elocution, declared Paris must be destroyed; Robespierre filled the ears and hearts of the Jacobin Club with insurrection; Danton, Marat and Desmoulins originated that institution then called committee of public safety—“The Terror.” These

five men created the year "one—Vendemaire to Fructidor," which was to take the place of the Christian division of time; the people of France were taught, by these five declaimers, to shout "Liberty, fraternity, equality or death; there is no God;" to murder their brothers;* to dash rusted butcher's knives into the hearts of little children, whose appealing innocent eyes would have awakened pity in the Arch Fiend. Not one of the notorious instigators of the French Revolution was able to retain living ears with which to hear of the first battles of Napoleon in Italy. The conduct of that maddened mob which dashed itself with such destructive force against the peace and good of the society of its day—1782-96—and with such fury against the laws of God and man, has been largely condoned by history; the conduct of its instigators continues to grow more black and loathsome to each present as time passes.

Guy Fawkes, in 1606, gave to history a convenient name for the conspiracy—"The Gun Powder Plot;" the most emphatic contempt of mankind has been forever directed against Winter, Catesby, Percy, Digby, Tresham, Rockwood, Stanley and Owen by the accurate pen of the historian.

The limits, to which the author of these pages must confine herself, forbid a further drawing upon remote history for parallels; the agitations of society, law and good order, yet lying in the threshold of the past, require a notice in this discussion.

The strikes of the labor unions of the United States—up to and including the strike of the railway and coal miners' unions of the summer of 1877—that have broken out and raged with great destruction of property, and loss of life, within the fifteen years preceding and including 1877, are

NOTE.—*Philip Egalite, nearest relative of Louis XVI, voted with the 387 that decreed the King's execution.

now so unanimously condemned, and classed as mal, unlawful and seditious, that a detailed scheduling of the harm to society did by each, or the reciting of the names of the fermentors of each, would add nothing to the clearness of a conclusion desired to be drawn therefrom that a mere reference thereto will not give. No working man can take offense at the arraignment of these so-called strikes in this pamphlet; the working men have long since, in perfect harmony with the science of Ethics, classed them as evil. All these so-called labor agitations of the past, near by and remote, the attempted blowing up by dynamite of Russell Sage, the murder of one of Chicago's ablest and best citizens, Carter H. Harrison Senior, by Prendergast; the assassina-tion of President Garfield by Guiteau, the attempted incit-ing and enraging the people against the splendid industries of the street car companies of Chicago, and railway companies generally, the insane, unconstitutional and im-possible doctrine of "Municipal Ownership," by the science of Ethics, are all classed as either febrile or malignant types of the deadly disease—blackmailing of capital—the vital fluid of the world. When the human body shall be able to tap the deeper wells near its heart, and distribute the essential fluid, found there—placed by nature, in greater abundance—with a syringe and rubber hose, without destroying the body upon which such an experiment is tried, then shall human society dam up and change from its legitimate and necessary channels the capital of the world—vital and necessary fluid for the existence of society—without bringing about its annihilation. The conditions upon which the human family springs into magnificence, and such God-like strength, are created by the Omnipotent; they are as immutable as the conditions thrown out by His hand with the wheeling processions of space, or that

surround the life of the more humble creations of the earth.

Society can and does build conditions, but it never has, nor never will, either build or change a single condition upon which it springs into existence and greatness.

Sections from our existing Federal and State Constitutions are interpolated here for the consideration of the energetic, industrious, patriotic, intelligent people of Chicago; more than sixteen hundred thousand of whom are as capable of understanding such sections as any lawyer:

ARTICLE XIV, from the *Federal Constitution*.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall *abridge* the *privileges* or *immunities* of *citizens* of the *United States*; nor shall any State deprive any person of life, liberty, or *property*, without due process of law, nor deny to any person within its jurisdiction the *equal protection* of the laws.

ARTICLE XIII.

DECLARATION OF RIGHTS—CONSTITUTION OF ILLINOIS.

That the general, great and essential principles of liberty and free government may be recognized and *unalterably established*, we declare:

Section 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, and of *acquiring, possessing, and protecting property* and reputation, and of *pursuing* their own *happiness*.

The foregoing sections have no more weight with the howlers—for the destruction of the greatest and most suc-

cessful industry of the city of Chicago that has been, is now, and *will continue to be*, so essential to the prosperity of the people of this city—than an equal number of sections from Ayer's liver advertisements would have with the faculty of Rush Medical College. The sections of the Constitutions recited here are not expected to have the least influence with the agitators of the doctrine of "Municipal Ownership" of the industries of the people—disease of blackmail of capital, wearing a deceiving colored garment instead of its usual fiery red dress; to such fermenters of the peace and good order of society, the Constitutions only provide freedom, in the pursuit of happiness, business, and protection of property, and personal safety for Mr. Peter Gocial and wife, his son John, wife and children; the possibility even that there might be other persons than P. Gocial and connections, and other classes, fully protected by constitutional and fundamental law, is never admitted or discussed by such haranguers.

From the laborers and capitalists has sprung, within the limits of sixty-one years, this great city of Chicago, the greatest wonder of the nineteenth century; whose commerce, through the indomitable and tireless energy of its people, has been extended to every nation in every clime. The greatness of Chicago is the creation of its industrious classes and its capitalists; the first place is properly given to the laborer, though each—laborers and capitalists—exist with equal force as to each other; each equally essential for the other; the existence of the one impossible without the existence of the other.

The greatest constitutional lawyer that ever lived in this country shall here address the people of Chicago in relation to the doctrine of "Municipal Ownership: "

"We know what the Constitution is; we know what the

plainly fundamental law is; we know what the bond of our Union and the security of our liberty is, and we mean to maintain and to defend it in its plain sense and unsophisticated meaning. If the friends" (?) "of municipal ownership should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skillful architects of ruin; the most effectual extinguisher of high raised expectation; the greatest blasters of human hopes that any age has ever produced." *

A brief notice of the strike 1877, by two quotations, one from *Chicago Tribune*, and one from J. A. Darcus' "Annals of Great Strikes in the United States," must be entered here. On the morning of July 1, 1877, the *Chicago Tribune* gave its readers a long report of the disturbances in the East; the headlines only of such report are quoted: "The strikers; their mad deeds at Wilkesbarre; immense interests in danger." J. A. Darcus says (July 17, 1877): "The movement had now become so formidable that State authority could no longer assert supremacy." The strikes of 1877 have passed into history with all the events of that period; the honest laborer, mechanic and engineer, drawn to a participation in them, by the unproducing, unhealthy doctrines of the agitator, have returned to the paths of industry and happiness; with as full an understanding of

* NOTE.—From the speech of Daniel Webster, delivered in the United States' Senate, sixty-six years ago, against the dogma of "States' Rights and Nullification"—a doctrine now obsolete—a proposition less glaringly and certainly contrary to the Constitution and fundamental law than the impossible vagary, "municipal ownership" of the enterprises of the people. It is essential to the peace, good order and prosperity of the people that the standing of the howlers of strange, foolish, deadly doctrines in Chicago lately, shall early be transposed to that of howlees.

the ethical lessons of such strikes as has been drawn therefrom by any learned teacher of physics.

The rules of rhetoric forbid a writer or speaker to admit, for the sake of an argument or conclusion, that a disputed proposition, not in existence, may come into substantial being, which requires conditions that are impossible, to become an existing reality. It shall be however admitted here that on the 1st of March, 1899, the municipal authorities of Chicago shall have acquired, by unlawful proceedings, the possession and temporary ownership of all the traction companies of the South Side. Within two years, then, from the date of such ownership, the great managers of finances of the city hall, having swamped every dollar of the magnificent profits of those great enterprises of the people, and so large a part of the capital having disappeared, the negotiating of a loan being impossible, will be found beseeching the legislature for a law that will permit the levying of a special tax to pay an immense deficit in the running expenses of such traction companies. How is this conclusion reached? By analogous reasoning—an accurate and infallible route to truth. There has been enough money expended on the sewers* of this city (since 1840, about fifty years—John Moses' History of Chicago) to have drained its sewerage to the sharks in the China sea, by the way of a hole bored through the center of the earth; the drinking water furnished to the citizens of Chicago has cost tax payers enough money in the same period to have built a water main, lined with porcelain brick, twenty-five feet in diameter, with a length sufficient to tap the bottom of the Detroit river north of Windsor, Canada.

* NOTE.—No reference is here intended against the great "Drainage Canal." Investigation discloses that the vast sums expended for that great improvement have been wisely and economically paid out.

Another quotation from the *Chicago Tribune*, and its incident, necessarily introduced, will close this chapter.

CANON EYTON DISAPPEARS.

VICAR OF WESTMINSTER CHURCH ALLOWED TO LEAVE ENGLAND
TO AVOID PUBLIC SCANDAL.

[*Special Cable to the New York World and the Chicago Tribune.*]

LONDON, Jan. 21, 1899.—A sensation has been caused by the sudden disappearance of Canon Eyton, a Protestant clergyman of high standing. He was vicar of St. Margaret's, Westminster, the official worshipping place of the two Houses of Parliament, in which place he succeeded Archdeacon Farren. He was also canon residentiary of Westminster Abbey, subalmoner to the Queen, one of the most prominent dignitaries of the established church, and was regarded as certain to be a Bishop.

The cause of his flight can only be hinted.

The Dean of Westminster received not long ago, notification from the Home Office that information had been given to the police which would involve Canon Eyton's arrest within thirty-six hours.

Eyton was informed of it and took the next train for the continent.

In order that the above paragraph may have full force, for the purpose it is brought into use here, the part therein declared by innuendo only must be recited in plain Anglo-Saxon terms.

Some months prior to the taking "the next train for the continent," the Canon met Lucy ——, at the home of a parishioner, where she was employed as maid and companion. Lucy —— was a most lovely maiden, between nineteen and twenty years old; her grey-brown eyes declared depths of

unexplored innocence simply; her smile lighted up a face of entrancing beauty, indexing a heart and mind of spotless purity; her carriage was lithe and graceful; her conversation—that of the middle classes—musical, and most charming for its perfectly unaffected pertinent simplicity; her limbs and bust were rounded, filled and tinted by that splendid health which alone produces glories in beauties of symmetry. In character Lucy was happy and good. The little children of the family of her employer loved her and were never so happy as when with Lucy; she was good and therefore won the unsullied heart of a child; the aged were delighted with Lucy; her step and touch were light; her happy temper and disposition quickly thrilled and soothed the aged pulse with quiet and pleasant beats; her little brother would cling to her hand, looking into her sweet face, with that absorbing adoration of perfect confidence that only springs from a child's heart for a beloved elder sister; to her lover*—a youth—a tradesman—Lucy —— was a goddess; his heart was fired with a passion for her, brought into life there by those golden holy strands of light which God permits to drift through the gates of Heaven and fall into hearts of earth.

The Canon was struck with Lucy ——'s beauty at once; in a few days he tore himself from his library, where he prepared orations against railway corporations and other lawful, prosperous industries of the people, and again sought a sight of Lucy at his friend's home. The Canon continued his visits with frequency until he was able to win acquaintance and some attention from Lucy herself; no difficult task for this educated man: Lucy ——'s nature was so confiding, her mind and heart so unacquainted with evil, that

* NOTE.—The narrative has been necessarily abridged.

she could no more have conceived of the hellish desire growing up in the Canon's heart than she could have conceived and extemporaneously announced the horrors of "Dante's Inferno." After his acquaintance, as narrated, the Canon early found excuses for imposing his company, in quiet places, for short walks with Lucy. During the weeks of this successful progress with Lucy the Canon had entirely neglected his usual assaults upon capitalists and corporations. The Liverpool and London Railway Company had just paid to its stockholders one-quarter of one cent more dividend than was paid for the preceding quarter; the incident was passed without notice by this noted speaker.

From his walks, with her, to the Canon's pretext for, and Lucy's visit to his study, the time was but brief; a necessity for conveying Lucy to her home in his carriage was assumed and appropriated by the Canon; an evening lecture was then called in aid; the road to the opera was then entered easily, but this road led, instead of to the opera, to a low vaudeville theatre. The start home from the theatre was made after 12 o'clock at night; the conveyance made use of was a closed cab with bribed driver; the route was through lonely deserted streets.

The Canon brought Lucy home to a living death; all her pretty ways, her shining character, her God-given virtue, were left dead that night—charms of earth no more. The cultured Canon has taken the next train for the continent.

Shall God keep Lucy —— from the Thames?

At this moment the angels of God, crowding the battlements of Heaven, beholding, with pitying eyes—with a tender sympathy indescribable by human pen, incomprehensible to human mind—the desolation of Lucy ——'s life, await with impatience that instant in which they shall

be permitted to announce: "Sinless soul, thy anguish is at an end; here are the beauteous happinesses so wantonly ravished from thee in time; in these fields thou shalt enjoy them forever."

No one has ever heard, in this or any other civilized country, a minister of God and the gospel declaiming against capital, capitalists, or any one of the necessary industries of society.

CHAPTER II.

The entrance into this city of its first steam railway, inspired the citizens of the primitive Chicago of more than forty years ago—then having a population of nearly five thousand people—with the very greatest enthusiasm and thanksgiving; the newspapers of those early days, when they knew no better, devoted several long columns each to the then desired events.

The speech, relating to a resolution for a railway, of Edward Bates, president of the convention, held in Chicago, July, 1847—in such early periods the able public men are not to be blamed for aiding, by words of praise, enterprises that would bring general prosperity to the people and lasting benefits—is eulogized as follows in history:

* * * “All doubts as to his capabilities were scattered to the four winds when he began his address. It was pronounced at the time a masterpiece of American oratory theretofore unexcelled. He spoke of the wonderful possibilities and growth of the country, and pictured its future in the most patriotic and glowing colors. He was continually interrupted by cheer upon cheer, and at its conclusion, as Horace Greeley said in his report, his speech was greeted by the whole convention rising and cheering long and fervently.” (Poor misguided People!) Their most ancient day, fifty-three years ago, when Chicago’s population must have been between seven and eight thousand, is some little palliation for their foolish notions as to enterprises to be engendered for the public good.

The street car companies of our imperial city, in their inception and beginning, by the simple unsophisticated peo-

ple of the early Chicago, in those great depths of antiquity, were welcomed with the most hearty and profound acclamations of welcome and good wishes for the success and prosperity of the undertakings. Since then, more than by any other of its great industries, has Chicago, by its street car companies, been thrust forward to the position of nearly the first, in population and wealth, of the cities of the United States. In possibilities and resources for future laudable greatness Chicago takes the lead of all the cities of the world. There are a few people in this city, if they may be judged by the clear and unmistakable import of their declarations, who desire the robbing and paralyzing of the very enterprises most essential to the prosperity of the city and most necessary for the good of its people. There is but one single department in all the municipal departments of our queenly city that should not be criticised—the police department. Every other department lies miles deep under accumulations of errors and mismanagement. Shall the vital energies of this magnificent city, which has compelled for the name—Chicago—in every language, from every people, in every country, under every sun, the deepest respect, the profoundest admiration and astonishment, be turned over to the destiny of such a management? Almighty God forbid such a catastrophe!

The people of the city should be permitted to see and realize that its street car companies are a lawful enterprise; that they are most skillfully conducted, in full harmony with the laws of the land; that they could not exist one single month unlawfully; that their officers and managers are, and necessarily must be, honest, tirelessly energetic, of broad and painstaking intellects; that no single right of the people ever has been, nor ever can be, nor ever will be, taken by the street car companies unlawfully. The plain

unvarnished, constitutional and fundamental law—upon which all our happiness and all our institutions sprung into being and greatness, which has existed since the signing of Magna Charta, on that 15th day of June, in that year 1215, in that flower-decked meadow called Runningmede—has been stated within the semi-colons preceding this sentence. The falsity of the declaration—the street car companies of Chicago were using rights stolen from its people, and were about to make still further thefts of such rights—is so visible, being simply so enormous in its proportions of plain unmistakable error, and depths of blackness, that to argue it, as a proposition by itself, appears an absurdity to the author of these pages. The plain assertions that the accusation is unsupported by any fact; that such thefts never have been committed; that such thefts can never be committed by any street car or railway company, is the best and only argument necessary to be used. How easily the truth, as to these splendid and necessary industries of the people, the railways and street cars, may be declared: No lawful concession has ever been demanded from the street car companies of Chicago that has not been by them granted to its people. For their sole crimes—proper, aggressive, tireless energy, usefulness, brains, prosperity and money—the street car companies are unable to offer palliation or any denial. The man most abused by the late agitators against capital in this city of wonders, it is well and clearly known, has passed more than fifty years in the paths of unceasing legitimate and productive industry; that the results of his labors in Chicago have brought lasting benefits to tens of thousands of individuals; that through his push, energy, brain and labor, more than through any other one person, the scrub oaks and *debris* of the North Side have given way to palaces, stores and busy factories, and the limits of the

paved, active streets have moved north from Canal street more than twelve miles. The life's work of such a man must receive the praise of some society. Why should deserved applause be withheld, to be impressed upon granite or marble, for the edification of desultory wanderers in parks and graveyards, of a future society, that might, with greater justice and equal aptness, be awarded now?

A borrowed thought is no plagiarism where it coalesces so nicely with the subject under discussion.

It is only a pessimist that can be fatally attacked by the disease—black-mailing of capital; the optimists, of whom there are more than sixteen hundred thousand in this metropolitan center, see too clearly the inexorable necessity of capital; its God-given uses and tendencies. To the optimist this is a world of progress and always will remain such; the capitalists of Madrid and Italy, of four hundred years ago, proceeded with less experience than their posterity, the capitalists of Paris, London, New York, Chicago, of to-day; the ethics of capital have remained unchanged and ever will remain unchanged. The goblins that guarded the seas of the past from exploration and enterprise have disappeared; the goblins of the present are to be conquered and annihilated by the men of the future.

To the optimists the stars that twinkle in mysterious silence in the depths of space are possible to discovery and exploration whenever there shall arise the necessary imperious demand for such exploration and discovery. The existing facts of the 19th century, suggested to the most learned scholar of the 14th century as possibilities of a distant future period, would have been wholly incomprehensible to such scholar. The discoveries and commerce

that shall exist as facts in the 25th century, suggested to this present as possibilities for that distant future period, would be deemed wild unsubstantial fancies merely—indeed could not be comprehended at all. Quotations from the files of one of the morning newspapers of Chicago—(from 1st of May, 1894, to end of strike of “Pullman” and “American Railway Union”)—which, at the time its columns carried to the public the matter here introduced, had advanced to the dignity of a position in the front rank of great newspapers in the United States, must have a place here. May 17, 1894, page 1, a fiery account of the wrongs heaped upon the Pullman workmen, is given; May 18, editorial: * * * “Whatever the merits of the contention between employes and employers, the fact must sooner or later come home to these strikers that there are times when the maintenance of a just principle”—(the only principle of this disastrous disturbance existed solely in its agitators and its justice is now clearly understood)—“must take second place to expediency; the legitimacy of the strike as a laborer’s weapon of defense is now freely admitted.” (?) “The Pullman employes struck against a rich corporation.” (The prosperity of the Pullman company is clearly its only offense discoverable then or since.) May 22, page 3, a carefully written, painstaking lengthy report is given of pay day at the Pullman shops; the amount of pay in pay envelopes—in dollars and cents—is detailed. May 23, page 2, the agitators of the honest workingmen receive personal mention and highest praise. June 14, page 4, editorial: * * * “No more striking illustration of the modern tendency toward combination than that afforded in the rapid growth of the American Railway

Union"—(the members of which have long since returned to the legitimate pursuits of life and peace; the agitators of which already clearly lie under the just censure of society, which will grow more emphatic as time passes). June 15, page 4: * * * "The announcement of a possible coalition between the American Railway Union and Knights of Labor forecasts one of the first definite steps toward the solidification into one organization of the workingmen of this country. The inevitable outcome, carried to its conclusion, will be a coalition of all labor into one vast organization against capital." (The people of this country have too much ethical culture to permit of the happening of such an awful catastrophe. The doctrine, successfully carried into effect, as favored by the foregoing editorial, would be as thoroughly and completely destructive to all hopes and prospects of humanity, as the universal palsy that would fall upon all life therein, should the power be given to the monster cetacean—creature of the slime of their depths—to transform from their natural healthful condition the waters of the oceans to ponds of rancid blackness.) June 1, page 1: * * * "President Debs resigned the chair and spoke at some length on the strike. He characterized George M. Pullman as a monster, a pirate on the high seas of labor." (It has been clearly and unmistakably already declared in history that George M. Pullman, with the laborers of his day, was one of the mighty forces of great Chicago.) The anomaly—a great newspaper of one of the most populous and active centers of industry, of high standing in a cultured, most prosperous and potential nation, seeking the total paralysis of that which creates such happy conditions, of that which makes a certainty its own future prosperity and

the future happiness of the people it appeals to—after it has passed under the skillful pen, the learned scrutiny of the historian of 1999, could such treatment be conceived and announced now, would effectually change the direction of the influence of such a newspaper into ethical channels.

MISS LILLIAN A. WHITNEY,
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January 26, 1899.

